

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RENEE McCOY, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

HEALTH NET, INC., HEALTH NET OF
THE NORTHEAST, INC. and HEALTH NET
OF NEW JERSEY, INC.,

Defendants.

Civil Action No. 03-cv-1801 (FSH)(PS)

ZEV and LINDA WACHTEL, individually
and on behalf of their minor son, TORY
WACHTEL, and on behalf of all others
similarly situated,

Plaintiff,

v.

GUARDIAN LIFE INSURANCE CO. OF
AMERICA, HEALTH NET, INC., HEALTH
NET OF THE NORTHEAST, INC. and
HEALTH NET OF NEW JERSEY, INC.,

Defendants.

Civil Action No. 01-cv-4183(FSH)(PS)

**CERTIFICATION OF JAMES E.
DELBELLO, ESQ. IN SUPPORT OF
HEALTH NET DEFENDANTS'
MEMORANDUM OF LAW IN RESPONSE
TO PLAINTIFFS' MOTION IN FURTHER
SUPPORT OF APPLICATION FOR A
DISCOVERY MONITOR AND DEFAULT**

James E. Delbello, of full age, hereby certifies as follows:

1. I am a partner with the law firm of Morgan, Lewis & Bockius LLP, counsel for the Health Net defendants in the above-captioned matter. I am fully familiar with the facts set forth herein and make this Certification based on personal knowledge.

2. Attached hereto as Exhibit A is a true and accurate copy of an interview with Barry M. Epstein entitled *E-Discovery: A Guide for Corporate Counsel – Sills Cummis' Contribution to The Discussion on Electronic Discovery – Part 1*, The Metropolitan Corporate Counsel, Vol. 12, No. 7.

3. Attached hereto as Exhibit B is a true and accurate copy of excerpts from the transcript of proceedings held on November 16, 2005 before the Honorable Faith S. Hochberg, U.S.D.J.

4. Attached hereto as Exhibit C is a true and accurate copy of excerpts from the transcript of proceedings held on October 17, 2005 before the Honorable Faith S. Hochberg, U.S.D.J.

5. Attached hereto as Exhibit D is a true and accurate copy of excerpts from the transcript of proceedings held on November 22, 2005 before the Honorable Faith S. Hochberg, U.S.D.J.

6. Attached hereto as Exhibit E is a true and accurate copy of excerpts from the transcript of the deposition of Karen Davezac dated November 30, 2005.

7. Attached hereto as Exhibit F is a true and accurate copy of excerpts from the transcript of proceedings on November 15, 2005 before the Honorable Faith S. Hochberg, U.S.D.J.

8. Attached hereto as Exhibit G is a true and accurate copy of correspondence dated May 5, 2003 between Lee Barry of DOBI and Eileen O'Donnell of Health Net.

9. Attached hereto as Exhibit H is a true and accurate copy of excerpts from the transcript of proceedings on March 17, 2005 before the Honorable Faith S. Hochberg, U.S.D.J.

10. Attached hereto as Exhibit I is a true and accurate copy of the certification of Heather Taylor, Esq. dated November 15, 2005.

11. Attached hereto as Exhibit J is a true and accurate copy of excerpts from the transcript of proceedings on November 20, 2003 before the Honorable Faith S. Hochberg, U.S.D.J.

12. Attached hereto as Exhibit K is a true and accurate copy of Paul Dominianni's telephone records dated November 18 – November 20, 2003 with the accompanying certification of John O' Reilly.

13. Attached hereto as Exhibit L is a true and accurate copy of excerpts from the transcript of proceedings on November 17, 2005 before the Honorable Faith S. Hochberg, U.S.D.J.

14. Attached hereto as Exhibit M is a true and accurate copy of correspondence dated June 12, 2003 from Barry Epstein, Esq. to the Honorable Patty Shwartz, U.S.M.J.

15. Attached hereto as Exhibit N is a true and accurate copy of the certification of Heather Taylor, Esq. dated December 12, 2005.

16. Attached hereto as Exhibit O is a true and accurate copy of the certification of Jay H. Calvert, Jr., Esq. dated December 12, 2005.

17. Attached hereto as Exhibit P is a true and accurate copy of the certification of James E. DelBello, Esq. dated December 29, 2005.

18. Attached hereto as Exhibit Q is a true and accurate copy of (1) correspondence dated March 15, 2005 from Hervé Gouraige, Esq. to the Honorable Patty Shwartz, U.S.M.J; (2) correspondence dated March 24, 2005 from Barbara G. Quackenbos, Esq. to the Honorable Patty Shwartz, U.S.M.J; and (3) correspondence dated March 31, 2005 from Hervé Gouraige, Esq. to the Honorable Patty Shwartz, U.S.M.J.

19. Attached hereto as Exhibit R is a true and accurate copy of the certification of Donald Hall, dated December 28, 2005.

20. Attached hereto as Exhibit S is a true and accurate copy of seventy-one discovery orders issued in this litigation.

21. Attached hereto as Exhibit T is a true and accurate copy of excerpts from the transcript of the deposition on January 7, 2005 of Carol Richey.

22. Attached hereto as Exhibit U is a true and accurate copy of correspondence dated March 31, 2005 from Hervè Gouraige, Esq. to the Honorable Patty Shwartz, U.S.M.J.

23. Attached hereto as Exhibit V is a bar graph depicting Defendants' document production during the course of this litigation.

24. Attached hereto as Exhibit W is a true and accurate copy of correspondence dated December 9, 2005 from James E. DelBello, Esq. to Barbara G. Quackenbos, Esq.

25. Attached hereto as Exhibit X is a true and accurate copy of correspondence dated October 22, 2002 from Karen Davezac to Eileen O'Donnell. This document bears the Bates number PHS 8136082.

26. Attached hereto as Exhibit Y is a true and accurate copy of correspondence dated December 3, 2002 from Eileen O'Donnell to Dan Sibol. This document bears the Bates number PHS 8136030.

27. Attached hereto as Exhibit Z is a true and accurate copy of excerpts from the transcript of the deposition on October 25, 2005 of Eileen O'Donnell.

28. Attached hereto as Exhibit AA is a true and accurate copy of actuarial estimates produced to plaintiffs on January 5, 2005 and September 12, 2005. These documents bear the Bates numbers PHS 0135015 – PHS 0135016 and PHS 7051145 – PHS 7051147.

29. Attached hereto as Exhibit BB is a true and accurate copy of excerpts from the transcript of proceedings on October 18, 2005 before the Honorable Faith S. Hochberg, U.S.D.J.

I certify that the foregoing statements made by me are true.

Dated: January 5, 2005

/s/ James E. DelBello
James E. DelBello